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ON PETITION

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In re Application of
Davis et al.
Application No. 09/328,856
Filed: June 9, 1999
Attorney Docket No. 3144.01A

This a decision on the renewed petition under 37 CFR 1.137(b), filed September 21, 2000, to revive the above-identified application.

The petition is **GRANTED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.


The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed July 2, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 3, 1999.

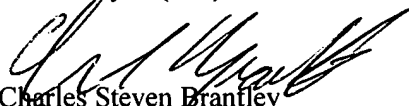
On July 2, 1999, the Office also mailed a Notice of Omitted Items indicating that the Office had only received the first three pages of formal drawings. The original petition included a postcard receipt showing that the Office received six pages of formal drawings. Apparently the last three pages of drawings were misplaced. The original petition was not accompanied by copies of the missing three pages. A decision was mailed requesting submission of pages 4, 5 and 6 of the drawings. On September 21, 2000, copies of the formal drawings were submitted.

The file is now being forwarded to OIPE for further processing and to treat the missing drawings as if they had been received on June 9, 1999.

Petitioner has established that the missing drawings were misplaced by the Office. Therefore, the \$130 petition fee which accompanied the response to the Notice of Omitted Items has been scheduled for a refund.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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